

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathan Schwartzberg	Team: Team # 6	CCRB Case #: 201107960	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 04/18/2011 3:46 AM	Location of Incident: Corner of 81st Street and Roosevelt Avenue	Precinct: 115	18 Mo. SOL 10/18/2012	EO SOL 10/18/2012	
Date/Time CV Reported Fri, 06/17/2011 12:20 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 06/17/2011 12:20 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Antony Stevens	25283	935789	PBQNT/F
2. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kurtis Sylvester	05060	937824	PBQNT/F
2. SGT Christophe Tomlinson	03686	919783	PBQNT/F
3. POM Kurwin Klien	06203	942016	PBQNT/F

Officer(s)	Allegation	Investigator Recommendation
A. POM Antony Stevens	Force: PO Antony Stevens used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with the Civilian Complaint Review Board (CCRB) on June 17, 2011, via the mail.

On April 18, 2011, at approximately 3:46 a.m., § 87(2)(b) was arrested by PO Antony Stevens of the Patrol Borough Queens North Task Force on the corner of 81st Street and Roosevelt Avenue in Queens. The following allegation resulted:

- **Allegation A – Force: PO Antony Stevens used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation B- Force: An officer used physical force against § 87(2)(b)** § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

On July 19, 2012, this case was reassigned to the undersigned investigator after Investigator Benjamin Wilbur's resignation.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a Hispanic female, 5'2" tall, 170 pounds with brown hair and black eyes.* § 87(2)(b)

Statements made to Medical Personnel

§ 87(2)(b) stated that on April 18, 2011, she engaged in a fight with another person at her birthday party. The police were called and the police attacked her, pushed her on the floor and a few police officers kicked her in the face, neck, mid back, lower back, lower extremities and upper extremities. § 87(2)(b) felt moderate to severe headaches and spinal pains.

CCRB Testimony

§ 87(2)(b) was interviewed in Spanish at the CCRB on July 20, 2011 (Encl 4-4d). On April 18, 2011, at approximately 12:00 a.m., § 87(2)(b) was at a bar named Jairos, celebrating her birthday with a group of friends including her husband, § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not recall the names of any of the other individuals present at the bar. § 87(2)(b) had three beers during the course of three hours, and was not intoxicated. The bar was at the corner of 82nd Street and Roosevelt Avenue in Queens. § 87(2)(b) had not had anything to drink that evening as he was the designated driver. At approximately 3:00 a.m., § 87(2)(b) and an unknown friend left the bar and walked to the corner of 81st Street and Roosevelt Avenue in Queens. They stopped in front of a Citibank. § 87(2)(b) and § 87(2)(b) began to argue regarding whether they would go get something to eat. § 87(2)(b) stated that neither she nor § 87(2)(b) was yelling and that the fight was only verbal. The argument lasted five minutes before two officers approached on foot. These officers have been identified via

investigation as PO Antony Stevens and PO Kurtis Sylvester of Patrol Borough Queens North Task Force.

The officers asked what was going on, and § 87(2)(b) and § 87(2)(b) continued to argue. PO Sylvester put his hands on § 87(2)(b)'s shoulder and her husband in order to separate them. PO Sylvester went to speak to § 87(2)(b) off to the side while PO Stevens attempted to speak to § 87(2)(b). § 87(2)(b) did not speak English and the officer did not speak Spanish, so they were unable to communicate effectively. § 87(2)(b) was able to understand that PO Stevens told her that she was drunk. Within a minute, PO Stevens grabbed § 87(2)(b) by her arm and turned her around in order to handcuff her. § 87(2)(b)'s back was to PO Stevens and she flung her arm upwards in order to escape PO Stevens' grasp. § 87(2)(b) believed that she scratched PO Stevens underneath his eye due to this motion, but she could not be certain. The officers later told § 87(2)(b) that she had scratched PO Stevens.

PO Stevens grabbed § 87(2)(b) by the back of her hair and pulled her down to the ground. § 87(2)(b) was not thrown to the ground, but rather lowered to the ground. This caused pain to her neck and scalp. Once on the ground, § 87(2)(b) was placed face down and handcuffed. During this time, § 87(2)(b) and § 87(2)(b) were attempting to speak to PO Stevens but he did not respond to their comments. While on the ground, § 87(2)(b) felt herself being kicked three times, twice in her back, once in her leg. § 87(2)(b) could not see which officer did this. In addition, § 87(2)(b)'s head was being held in place while she was on the ground. While on the ground, § 87(2)(b) turned her head from side to side to see what was occurring. § 87(2)(b) was then turned over and she observed four additional uniformed officers had arrived on scene. § 87(2)(b) could not describe these officers except that they were all males in uniforms. Two of these officers have been identified via investigation as PO Kurwin Klien and Sgt. Christopher Tomlinson of Patrol Borough Queens North Task Force.

PO Stevens lifted § 87(2)(b) off of the ground and brought her to a marked patrol vehicle. § 87(2)(b) was transported to the 115th Precinct stationhouse. § 87(2)(b)'s arrest was processed and she was brought to Queens Central Booking. Once § 87(2)(b) was released from Queens Central Booking, she went to § 87(2)(b) for injuries resulting from being pulled down by her hair, as well as swelling to her wrists due to the handcuffing.

Witness: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. § 87(2)(b) is a Hispanic female, 5'1" tall, 127 pounds with blond hair and brown eyes. § 87(2)(b)*

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on October 25, 2011 (Encl 5-5c). § 87(2)(g)

On April 18, 2011, at approximately 3:47 a.m., § 87(2)(b) was celebrating § 87(2)(b)'s birthday at a nightclub named Jairos located at Roosevelt Avenue between 81st Street and 82nd Street in Queens. Also present at the nightclub were § 87(2)(b)'s husband and § 87(2)(b)'s friend, § 87(2)(b) and § 87(2)(b) respectively. § 87(2)(b) did not know § 87(2)(b)'s contact information and he currently resides in Colombia. § 87(2)(b) and her friends arrived at the nightclub at approximately 1:00 a.m., and § 87(2)(b) and § 87(2)(b) each consumed three beers. § 87(2)(b) did not consume any alcohol that night because she was taking medication at the time.

§ 87(2)(b) and § 87(2)(b) were dancing with each other when they suddenly walked out of the nightclub. § 87(2)(b) and § 87(2)(b) followed them outside. § 87(2)(b) and § 87(2)(b) were arguing because § 87(2)(b) wanted to go home but § 87(2)(b) wanted to stay at the nightclub. § 87(2)(b) walked to the corner of 81st Street and Roosevelt Avenue near a Citibank to hail a cab and § 87(2)(b) followed him and asked him not to go home. § 87(2)(b) and § 87(2)(b) argued with each other for approximately six minutes. § 87(2)(b) was agitated at the time.

Three uniformed officers in a marked police car drove by and noticed that § 87(2)(b) and § 87(2)(b) were arguing. The investigation determined that only two officers were present, and they have been identified as PO Antony Stevens and PO Kurtis Sylvester.

The officers got out of the police car and PO Sylvester asked § 87(2)(b) and § 87(2)(b) what happened. Two of the officers approached § 87(2)(b) while the third officer approached § 87(2)(b). § 87(2)(b) did not recall which officers approached who. § 87(2)(b) was upset, raised her voice at the officer who approached § 87(2)(b) and tried to approach him. § 87(2)(b) later stated that § 87(2)(b) was screaming. § 87(2)(b) told the officers not to do anything to her husband and said that her husband had not done anything. § 87(2)(b) also asked the officers not to arrest her husband and to leave him alone. § 87(2)(b) spoke to the officers in Spanish. The officers grabbed § 87(2)(b) to hold her back and § 87(2)(b) tried to move her body.

Two white male officers in uniform in a second marked police car and two white male uniformed officers on foot arrived at the location. § 87(2)(b) believed that one of the officers could have been of Asian descent. § 87(2)(b) was unable to provide additional physical description for these officers. § 87(2)(b) was picking up some items that had fallen off § 87(2)(b)'s purse and five officers grabbed § 87(2)(b), turned her around and PO Sylvester twisted her arms and rear handcuffed her. § 87(2)(b) put up some resistance and screamed at the officers to let her go. However, § 87(2)(b) later stated that § 87(2)(b) could not resist arrest because numerous officers were holding her. § 87(2)(b) also denied that § 87(2)(b) flailed her arms or made physical contact with any of the officers. § 87(2)(b) and § 87(2)(b) asked the officers to stop and to let her go. The officers told § 87(2)(b) to leave but she did not comply. At one point, § 87(2)(b) tried to move and an officer asked him not to move. § 87(2)(b) complied and stood where he was.

PO Sylvester dropped § 87(2)(b) to the ground in handcuffs causing § 87(2)(b)'s face to hit the concrete. The police interaction prior to § 87(2)(b)'s being on the ground lasted approximately seven minutes. § 87(2)(b) could not describe how PO Sylvester dropped § 87(2)(b) to the ground. PO Sylvester punched § 87(2)(b) on the right side of her body approximately six times with the closed fist of his right hand. An officer kicked § 87(2)(b) on her right leg twice. However, § 87(2)(b) did not see which officer did this as she covered her face with her hands in panic. § 87(2)(b) was unsure if any officers pulled § 87(2)(b) by her hair. § 87(2)(b) was consequently placed in one of the police cars and taken to the 115th Precinct stationhouse.

Attempts to Contact Civilians

§ 87(2)(b) could not identify her second friend and while § 87(2)(b) knew his identity, she did not have any contact information for him, nor did she know if he was in the country. Therefore, § 87(2)(b) was not contacted.

Between the dates of August 31, 2011, and November 14, 2011, three letters were mailed to § 87(2)(b) and he was called eight times. § 87(2)(b) did not agree to provide a statement to the CCRB, nor did he provide a phone statement (Encl 16-16j).

Field Work

On December 6, 2011, the investigation contacted Citibank, which is located at 80-19 Roosevelt Avenue in Queens. The incident happened outside of this location. Felix in the video compliance department stated that footage at all Citibank locations is deleted after thirty days (Encl 16-16j).

NYPD Statements:

Subject Officer: PO ANTONY STEVENS

- *PO Stevens is a § 87(2)(b)-old black male, 5'10" tall, 220 pounds with black hair and brown eyes.*
- *PO Stevens worked from 11:30 p.m. on April 17, 2011, until 8:05 a.m. on April 18, 2011. PO Stevens was assigned to patrol the 115th Precinct. He was partnered with PO Kurtis Sylvester, in uniform and assigned to a marked RMP #3150 (Encl 9-9n).*

Memo Book

PO Stevens' memo book indicates that at 3:30 a.m., he and PO Sylvester responded to a dispute at the corner of 81st Street and Roosevelt Avenue in Queens. At 3:46 a.m., § 87(2)(b) was arrested at the location. PO Stevens went to § 87(2)(b) in regards to eye injuries. PO Sylvester and PO Klien escorted § 87(2)(b) to the precinct. At 3:50 a.m., PO Stevens reported to § 87(2)(b) with a line of duty injury. At 5:08 a.m., he was treated and released (Encl 9-9a).

UF 61 Report § 87(2)(b) and OLBS Report #§ 87(2)(b)

PO Stevens prepared a UF 61 Report and OLBS arrest report for § 87(2)(b). The narratives state that PO Stevens observed § 87(2)(b) and § 87(2)(b) having a dispute. § 87(2)(b)'s actions caused public annoyance and alarm. Upon PO Stevens' attempt to stop the dispute, § 87(2)(b) struck PO Stevens, causing an abrasion on his left eye. § 87(2)(b) continued to kick and scratch in order to prevent arrest. § 87(2)(b) was charged with § 87(2)(b) (Encl 9b-9e).

Criminal Court Complaint

PO Stevens prepared the criminal court complaint for § 87(2)(b)'s arrest. She was charged with § 87(2)(b) at the intersection of Roosevelt Avenue and 81st Street in Queens. The narrative states that PO Stevens was injured by § 87(2)(b) to intentionally prevent a police officer from effecting an authorized arrest, with intent to cause public inconvenience. § 87(2)(b) slapped PO Stevens' hand away and scratched his face, resulting in a scratch starting from above his left eye to below his left eye, as well as causing substantial pain. Upon attempting to handcuff § 87(2)(b) she started to kick her

legs and attempted to scratch PO Steven and PO Sylvester's hands. PO Stevens was treated at a local hospital for his injuries (Encl 9h-9i).

CCRB Testimony

PO Stevens was interviewed at the CCRB on December 6, 2011 (Encl 9j-9l). On April 18, 2011, at approximately 3:30 a.m., PO Stevens was the passenger in a vehicle driven by PO Sylvester. They were patrolling in the vicinity of 81st Street and Roosevelt Avenue in Queens. PO Stevens heard loud yelling coming from his side of the vehicle, and observed § 87(2)(b) and her husband, § 87(2)(b) arguing in the street. PO Stevens could not hear what they were saying. § 87(2)(b) was attempting to hit § 87(2)(b) by swinging at his face and § 87(2)(b) had his arm in front of his face, blocking § 87(2)(b)'s swings. Both officers observed this for less than 10 seconds. The officers pulled over and exited their vehicle. PO Sylvester went to speak to § 87(2)(b) and PO Stevens spoke with § 87(2)(b). PO Stevens put his hand on § 87(2)(b)'s elbow and escorted her approximately 10 feet away from § 87(2)(b). § 87(2)(b) and § 87(2)(b) appeared to be with an additional female and male identified via the investigation as § 87(2)(b) and § 87(2)(b). PO Stevens and PO Sylvester were in eye contact the entire time.

PO Stevens asked § 87(2)(b) why she was fighting with § 87(2)(b) and § 87(2)(b) did not respond, but yelled and attempted to lunge at § 87(2)(b). PO Stevens smelled the strong odor of alcohol on her breath. PO Stevens put his arm out across § 87(2)(b)'s chest, which prevented her from lunging forward. PO Stevens asked § 87(2)(b) again what her dispute was. § 87(2)(b) once more lunged towards § 87(2)(b) and PO Stevens put his hands across § 87(2)(b)'s chest to stop her. § 87(2)(b) yelled wordlessly at PO Stevens and clawed at his face. PO Stevens was taken aback by this action, and did not block her hand in anyway. § 87(2)(b) scratched PO Stevens' left eye, scratching underneath his eye, and on his eyelid. PO Stevens immediately placed his hand over his eye, given that he was in pain and it had started to bleed. PO Sylvester noticed § 87(2)(b)'s actions and immediately came over to where she and PO Stevens were standing. Once § 87(2)(b) injured PO Stevens, she was considered under arrest. PO Sylvester and PO Stevens attempted to handcuff § 87(2)(b) but had difficulty doing so. This was because PO Stevens was initially only using one hand and § 87(2)(b) was flailing her arms, attempting to strike the officers and evade their grasp.

PO Stevens could not describe what actions the officers took, but stated that § 87(2)(b) ended up on the ground. Neither PO Stevens nor PO Sylvester pulled § 87(2)(b) down to the ground by her hair. PO Stevens could not recall if § 87(2)(b) was placed on the ground face up or down. Once on the ground, PO Sylvester handcuffed § 87(2)(b) although § 87(2)(b) continued to move around and evade the officers' grasp. Once § 87(2)(b) was handcuffed, the officers lifted her off of the ground. PO Stevens noticed that two officers from the 110th Precinct arrived on scene, but was unaware at what point they arrived. These officers did not assist in restraining or handcuffing § 87(2)(b). PO Stevens called for his supervisor to arrive on scene. Sgt. Tomlinson, PO Kurwin Klien of the Patrol Borough Queens North Task Force and another unknown officer arrived on scene within a few minutes. Sgt. Tomlinson verified the arrest and instructed PO Klien's partner to drive PO Stevens to the hospital, and PO Sylvester and PO Klien to transport § 87(2)(b) to the stationhouse. PO Stevens was taken to § 87(2)(b), where he was treated for abrasions to his left eye. At no point did any officer punch or kick § 87(2)(b) while she was on the ground. At no point did § 87(2)(b) complain of any injuries or appear injured in any way. During the incident, § 87(2)(b) was extremely calm and did not appear intoxicated. PO Stevens did not recall § 87(2)(b) speaking during this interaction and as such, was unaware whether she spoke English. PO Stevens recalled speaking to the other two people in § 87(2)(b)'s party during the incident, but could not recall what that conversation was.

Witness Officer: PO KURTIS SYLVESTER

- *PO Sylvester is a § 87(2)(b)-old black male, 6'3" tall, 225 pounds with black hair and black eyes.*
- *PO Sylvester worked from 11:30 p.m. on April 17, 2011, until 8:05 a.m. on April 18, 2011. PO Sylvester was assigned to patrol the 115th Precinct. He was partnered with PO Antony Stevens, in uniform and assigned to a marked RMP #3150 (Encl 6-6d).*

Memo Book

PO Sylvester's memo book indicates that at 3:30 a.m., there was a dispute at 81st Street and Roosevelt Avenue in Queens. At 3:42 a.m., Sgt. Tomlinson scratched in his memo book. At 3:46 a.m., § 87(2)(b) was arrested at the location and at 3:50 a.m. she was transported to the 115th Precinct stationhouse (Encl 9-9a).

AIDED Report

PO Sylvester filed an AIDED report for PO Stevens. PO Stevens was taken to § 87(2)(b) in Queens. The narrative stated that PO Stevens sustained a cut and abrasion to the left side of his face when he was struck with an open hand by § 87(2)(b).

CCRB Testimony

PO Sylvester was interviewed at the CCRB on December 6, 2011 (Encl 9b-9c). His statement was identical to that of PO Stevens' with any discrepancies noted below. PO Sylvester observed § 87(2)(b) striking § 87(2)(b) in the head. § 87(2)(b) did not appear intoxicated, but PO Sylvester could not recall the nature of their conversation. PO Stevens and PO Sylvester were standing with their backs facing each other, and PO Sylvester could not see PO Stevens. Within a minute, PO Sylvester heard PO Stevens yell at § 87(2)(b) to stop and § 87(2)(b) yelling wordlessly. PO Sylvester turned around and observed § 87(2)(b) scratching PO Stevens. PO Sylvester went over to where they were standing, which was within 10 feet. He and PO Stevens pushed § 87(2)(b) against a window, and § 87(2)(b) was struggling to evade the officers' grasp and was flailing her arms. § 87(2)(b) was put to the ground by the officers, although PO Sylvester could not recall specifically how that was accomplished. PO Sylvester believed that the officers pushed her to the ground but could not specify what he meant. He stated that neither he nor PO Stevens pulled § 87(2)(b) down by her hair. § 87(2)(b) went to the ground on her back and attempted to kick the officers. PO Sylvester turned § 87(2)(b) over onto her stomach and handcuffed her. § 87(2)(b) struggled away from PO Sylvester and resisted the handcuffing, but PO Sylvester was able to handcuff her within a minute. As PO Sylvester was interacting with § 87(2)(b) he smelled the strong odor of alcohol on her breath. In addition to her behavior, PO Sylvester believed that § 87(2)(b) was intoxicated. At no point did any officer punch or kick § 87(2)(b). One of the officers called for their supervisor to come to the scene, and Sgt. Tomlinson, PO Klien and PO Klien's partner arrived on scene. In addition, another marked unit arrived on scene. PO Sylvester placed § 87(2)(b) into his vehicle, as he noticed that PO Stevens sustained an injury to his eye. PO Sylvester obtained the contact information for § 87(2)(b) and could not recall if he took the contact information for anyone else. PO Sylvester and PO Klien transported § 87(2)(b) to the stationhouse while PO Stevens went to the hospital. § 87(2)(b) calmed down in the police vehicle, and it appeared to PO Sylvester that § 87(2)(b) spoke English with a strong accent. PO Sylvester did not notice any injuries on § 87(2)(b) nor did she complain of any injuries.

Witness Officer: PO KURWIN KLIEN

- *PO Klien is a § 87(2)(b)-old black male, 5'9" tall, 210 pounds with black hair and brown eyes.*
- *PO Klien worked from 11:30 p.m. on April 17, 2011, until 8:05 a.m. on April 18, 2011. He was assigned to patrol the 115th Precinct as part of the task force and was partnered with PO Ari Arvon. He was in uniform and assigned to a marked RMP #3450 (Encl 7-7d).*

Memo Book

PO Klien's memo book indicates that at 3:46 a.m., PO Sylvester arrested one individual and that PO Stevens was injured. PO Klien transported § 87(2)(b) to the 115th Precinct with PO Sylvester. At 4:30 a.m., PO Klien transported § 87(2)(b) to Queens Central Bookings (Encl 7-7a).

CCRB Testimony

PO Klien was interviewed at the CCRB on January 11, 2012 (Encl 7b-7c). On April 18, 2011, at approximately 3:45 a.m., PO Klien was patrolling the 115th Precinct with PO Ari Arvon. They received a transmission either via radio or cell phone that additional units were needed at 81st Street and Roosevelt Avenue in Queens. No additional information was transmitted regarding the nature of the incident. When PO Klien and PO Arvon arrived on scene, § 87(2)(b) was already handcuffed and standing up against a wall. PO Stevens was injured, in that he was bleeding from one of his eyes. PO Klien did not see any injuries on § 87(2)(b) nor did he hear her complain of any injuries. There were no other units at the scene when PO Klien arrived on scene. Sgt. Tomlinson arrived on scene and instructed PO Stevens and PO Arvon to drive to the hospital to treat PO Stevens and for PO Klien and PO Sylvester to transport § 87(2)(b) to the 115th Precinct. At no point did PO Klien speak to § 87(2)(b) during the entire arrest processing. At no point did PO Klien see any officer, or he himself use force against § 87(2)(b) specifically pull her to the ground, punch or kick her. PO Klien could not recall any other civilians at the location. PO Klien was at the scene for no more than 10 minutes.

Witness Officer: SGT. CHRISTOPHER TOMLINSON

- *Sgt. Tomlinson is a § 87(2)(b)-old white male, 6'2" tall, 225 pounds with brown hair and brown eyes.*
- *Sgt. Tomlinson worked from 11:13 p.m. on April 17, 2011, until 8:10 a.m. on April 18, 2011. Sgt. Tomlinson was assigned as the patrol supervisor for the task force unit and did not have a partner. He was in uniform and assigned to a marked RMP (Encl 8-8d).*

Memo Book

Sgt. Tomlinson's memo book indicates that at 3:50 a.m., PO Stevens arrested one individual at the corner of 81st Street and Roosevelt Avenue. PO Stevens was line of duty and transported to § 87(2)(b) in RMP #3450 with PO Arvon. PO Sylvester transported § 87(2)(b) to the 115th Precinct stationhouse with PO Klien (Encl 8-8a).

CCRB Testimony

Sgt. Tomlinson was interviewed at the CCRB on January 11, 2012 (Encl 8b-8c). On April 18, 2011, at approximately 3:50 a.m., Sgt. Tomlinson was called to the corner of 81st Street and Roosevelt Avenue in Queens. Sgt. Tomlinson had received a transmission either over the radio or telephone that he was needed at the location. Sgt. Tomlinson could not recall the specific details of what he was told. Sgt. Tomlinson responded to the scene and did not exit the car during the

duration of the time that he was at the location. When he arrived, § 87(2)(b) was already inside of a police vehicle. PO Sylvester explained to Sgt. Tomlinson that they had arrested one individual and Sgt. Tomlinson observed an injury to PO Stevens' face. He could not recall the specific injury, but recalled seeing visible blood on his face. PO Arvon and PO Klien were present at the scene as well. Sgt. Tomlinson instructed PO Stevens to go to the hospital with PO Arvon and PO Klien and PO Sylvester to transport § 87(2)(b) to the stationhouse. Sgt. Tomlinson did not recall seeing a crowd at the location. At no point did Sgt. Tomlinson see or interact with § 87(2)(b) or observe any officer use any physical force of any sort against § 87(2)(b). Sgt. Tomlinson left the scene within eight minutes of arriving.

Medical Records

On § 87(2)(b), § 87(2)(b) visited her private physician, § 87(2)(b). She was taken to § 87(2)(b) where it was determined that her right hand was not fractured. § 87(2)(b) went back to her physician for continuous pain on April 26th, 27th, 30th, May 4th, 5th, 10th, 17th, 18th, 20th, 23rd, 31st, June 14th and 21st and July 18th and July 22nd (Encl 10-10e).

NYPD Documents

Command Log

The Command Log indicated that § 87(2)(b)'s physical appearance was apparently normal. Sgt. Tomlinson verified the arrest. § 87(2)(b) was taken to Queens Central Bookings at 4:30 a.m. (Encl 12).

Arrest for Incident and Disposition

- On § 87(2)(b), § 87(2)(b) pled guilty to disorderly conduct and § 87(2)(b) (Encl 14-14b).

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming assault, battery, violation of Civil Rights, false imprisonment, false arrest, malicious prosecution, negligence, abuse of process, loss of services, earnings, attorney's fees, violation of claimant's civil rights and negligent retention and hiring and seeking an unknown amount of money. As of the date of this report, a 50H hearing has not been scheduled (Encl 15-15a).

Civilian's Criminal History

- § 87(2)(b)

Civilian's CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (Encl 1a).

Subject Office's CCRB History

- PO Antony Stevens has been a member of the service for eight years and there are no substantiated CCRB allegations against him (Encl 1).

Conclusion

Identification of Subject Officer

- PO Stevens acknowledged that he interacted with § 87(2)(b) stated that the officer that she injured used force against her. That officer has been identified as PO Stevens.

§ 87(2)(g)

- § 87(2)(b) and § 87(2)(b) stated that an unidentified officer kicked and punched § 87(2)(b) while she was on the ground. Neither individual was able to provide a description of that officer. § 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Force: PO Antony Stevens used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Stevens pulled her down to the ground by her hair. § 87(2)(b) did not observe an officer pull § 87(2)(b) to the ground. Both PO Stevens and PO Sylvester deny that either officer pulled § 87(2)(b) to the ground, punched or kicked her. While they acknowledge that force was used to bring § 87(2)(b) to the ground and to restrain her, they could not specifically state what force was used. The investigation could not determine the amount of force used to arrest § 87(2)(b)

According to § 87(2)(b)'s medical records, she stated that police attacked her, pushed her to the ground and kicked her in the face, neck, back and extremities. She did not specifically state that she was pulled to the ground by her hair. In addition, her statement is not wholly consistent with that of her friend, § 87(2)(b). Both PO Stevens and PO Sylvester admit to using force to effect the arrest of § 87(2)(b) but could not specifically state what force was used. § 87(2)(g)

§ 87(2)(g)

Allegation B – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) alleged that she was kicked by an officer after being pulled to the ground. She was unable to identify this officer in any way. § 87(2)(b) a witness to the incident, was also unable to identify the officer who allegedly kicked § 87(2)(b). Additionally, none of the officers interviewed admitted to having kicked § 87(2)(b) while she was on the ground. § 87(2)(g)

§ 87(2)(g)

Team: 6

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____

Title/Signature

Print

Date

Reviewer: _____
Title/Signature Print Date